

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

BRENDA BUTLER,)	
)	
Plaintiff,)	Civil Action No. _____
)	
v.)	
)	
DRIVE AUTOMOTIVE INDUSTRIES OF)	
AMERICA, INC. d/b/a MAGNA DRIVE)	
AUTOMOTIVE, and EMPLOYBRIDGE OF)	
DALLAS, INC. d/b/a RESOURCEMFG,)	
)	
Defendants.)	
_____)	

NOTICE OF REMOVAL

Defendant, Drive Automotive Industries of America, Inc. d/b/a Magna Drive Automotive (“Drive Automotive”), through its undersigned counsel of record, hereby invokes the Court’s jurisdiction pursuant to 28 U.S.C. §§ 1441 and 1446 and submits this Notice of Removal in the above-captioned case. Removal is proper based on the following grounds:

1. On November 16, 2012, Plaintiff initiated a civil action captioned Brenda Butler v. Drive Automotive Industries of America, Inc. d/b/a Magna Drive Automotive and EmployBridge of Dallas, Inc. d/b/a ResourceMFG, Civil Action No. 2012-CP-23-7252, in the Court of Common Pleas for Greenville County, South Carolina. The Complaint alleges causes of action arising under Title VII, 42 U.S.C. § 2000(e), sex discrimination and retaliation.

2. Drive Automotive was served with a copy of the Summons and Complaint on November 26, 2012. A true and accurate copy of all process and pleadings served upon Drive Automotive to date is attached hereto as *Exhibit A* and incorporated by reference.

3. Defendant, EmployBridge of Dallas, Inc. d/b/a ResourceMFG, joins in and consents to the removal of this case as evidenced by the Consent to Removal attached hereto as *Exhibit B*.

4. The United States District Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that Plaintiff has alleged causes of action arising under federal law, namely that the defendants interfered with rights protected by Title VII. In accordance with the well-pleaded complaint rule, this intention to seek redress pursuant to Title VII presents a “federal question . . . on the face of the plaintiff’s properly-pleaded complaint.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987); *King v. Marriott Int’l, Inc.*, 337 F.3d 421 (4th Cir. 2003).

5. This Notice of Removal is being filed within thirty (30) days of receipt by Drive Automotive of the Summons and Complaint, in accordance with 28 U.S.C. § 1446(b).

6. Drive Automotive has not made any appearance in the Greenville County Court of Common Pleas.

7. Drive Automotive submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff and without conceding that Plaintiff has alleged claims upon which relief may be granted.

8. This matter is properly removed to the Greenville Division, because the action is pending in this Division.

9. Written notice of the filing of this Notice of Removal will be given to Plaintiff, and filed with the Clerk of Court for the South Carolina Court of Common Pleas, Greenville County.

WHEREFORE, Drive Automotive prays that further proceedings in the South Carolina Court of Common Pleas, Greenville County, be discontinued and that said Case No. 2012-

CP-23-7252, now pending in the South Carolina Court of Common Pleas, Greenville County, be removed to the United States District Court for the District of South Carolina, Greenville Division, and that such Court assume full jurisdiction of such action as provided by law.

Respectfully submitted,

s/Wendy L. Furhang

Stephanie E. Lewis (Fed Bar No. 09511)

Wendy L. Furhang (Fed Bar No. 09851)

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ATTORNEYS FOR DEFENDANT,
DRIVE AUTOMOTIVE INDUSTRIES OF AMERICA,
INC. d/b/a MAGNA DRIVE AUTOMOTIVE

DATED this 21st day of December, 2012.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused the foregoing document to be served on Plaintiff's counsel via United States First Class Mail, postage prepaid, addressed as follows:

Brian P. Murphy
Brian Murphy Law Firm, PC
514 Pettigru Street
Greenville, SC 29601

s/Wendy L. Furhang
Wendy L. Furhang

DATED this 21st day of December, 2012.